

H. R. 8152
Holtzman Amendment

Purpose: Amendment to Title I of Omnibus
Crime Control and Safe Streets Act of 1968
(concerning LEAA)

Comments:

The amendment was offered on the House floor without first being considered in committee and was approved by voice vote on 18 June 1973.

The sponsor's statement in the Congressional Record parallels the arguments used by Koch in connection with his bill (H. R. 8432) and includes the allegation that the Agency was involved in the bugging of Dr. Fielding's office. The legal effects of the Holtzman amendment fall somewhat short of the Koch bill, however.

The effect of the amendment is to prohibit the LEAA from using the available services, equipment, personnel, and facilities of CIA in carrying out LEAA's function under the Omnibus Crime Control and Safe Streets Act, which, in addition to its grant operations, includes rendering technical assistance to State law enforcement activities.

Problem:

FOIAB5

OGC

Warner was asked to contact LEAA in this regard and their General Counsel, Tom Madden, said he was fully aware of the amendment. It was his opinion that the amendment would not preclude cooperating (e.g., along the lines of metal trace and explosives detection techniques) in the future (a reasonable man could seriously disagree), and that he would try to obtain legislative history to this end. (See Warner's 19 June memorandum.)

Status:

As of 22 June: Because of a unique parliamentary situation, the House-passed was referred directly to the Senate Calendar without first being referred to the Senate Judiciary Committee. This was done at the request of McClellan, Chairman of the Criminal Laws and Procedures Subcommittee.

OLC requested suggestions for an Agency position from DDO, OGC, and DDM&S on a priority basis (see 19 June memo).

Blakey advised on 21 June that legislation would move shortly, and that the Senate bill (which at this point is merely a simple extension of current authorization) would not necessarily prevail.

Status (con.):

Jim Calloway, Sen. Appropriations Committee, was contacted and he guaranteed to appropriately take care of the amendment to preserve Agency interests.

On 28 June 1973 Senator Kennedy moved an identical amendment to the Senate version of the bill which was accepted by McClellan on the basis that (a) it would not "unduly reflect on the CIA in its basic activities in any way"; and (b) "I think it is very well that the CIA be restricted to its statutory function defined by the (sic) statute."

H. R. 8152 was signed into law on 6 August 1973, P. L. 93-83.

4 Jan 74